THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.4483 of 2007

Date:16.03.2007

Between:

Ch.Maruthi

PETITIONER

AND

The A.P.S.R.T.C. and others.

---------RESPONDENTS

ORDER:

The petitioner owns three buses. They were taken on hire by the A.P.S.R.T.C. to be operated on the rout from Kama Reddy to Bhadrachalam, via Karimnagar and Warangal. Necessary agreements were entered into, to be in force for a period of three years. After expiry of the same, the petitioner was granted extension of one year. The present contract would come to an end by 31.03.2007.

In the corresponding agreements, the distance to be covered by the buses was indicated as 380 k.ms. one way. According to the petitioner, the distance is 402 k.ms. and he is entitled to be paid the hire charges on that distance. He claims to have made representations on 09.01.2007 and 07.02.2007 and states that no action has been taken thereof.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The parties are governed by the terms and conditions contained in the agreements entered into between them. One of the conditions is that the distance to be covered by the bus is 380

k.ms. If according to the petitioner the distance is more, he ought to have taken steps to get the same revised, soon after the agreement came into force. Not only the original contracted period had expired, but even the extended period is going to come to an end.

Instances are not lacking where the distances were verified at the instance of the Corporation or the owner of the bus and corrective steps were taken. However, the result of such verification is required to be prospective in operation. The reason is that the tickets are issued for the distance that was entered in the agreement. If the distance is to be enhanced, the Corporation cannot recover the excess charges from the passengers.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to consider the representations made by the petitioner for re-verification of distance between Kama Reddy and Bhadrachalam and take necessary steps, within two weeks from today. In case the distance is found to be in excess of 380 k.ms., the petitioner shall be entitled to be paid the differential charges with effect from 01.02.2007. There shall be no order as to costs.

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16.03.2007

kdl